

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

SHARON MITCHELL,)	
)	
Plaintiff,)	
)	No. 16 CV 7227
v.)	
)	Hon. Edmond E. Chang
THE CITY OF PLANO; CITY OF YORKVILLE,)	
KENDALL COUNTY SHERIFF'S OFFICE,)	
OFFICERS JOHN BEERY, ROBERT)	
HERNANDEZ; ANTHONY)	
JOURTAS; SHAWN BARKS; AARON SMITH;)	
LT. WHOWELL; TOM ROMANO, TRISH)	
HUTSON; SUSAN NELSON; UNKNOWN)	
INDIVIDUALS TO BE NAMED THROUGH)	
DISCOVERY)	
Defendants.)	

**DEFENDANT HUTSON'S S MOTION TO DISMISS SECOND AMENDED
COMPLAINT**

Defendant, Trish Hutson, by and through her attorneys, James L. DeAno and Debra Harvey of DeANO & SCARRY, LLC., move this Honorable Court to dismiss Plaintiff's Second Amended Complaint pursuant to Federal Rules of Civil Procedure 12(b)(6).

Plaintiff Sharon Mitchell filed an 11 count Second Amended Complaint against the City of Plano, City of Yorkville, Kendall County Sheriff's Office, nine named law enforcement officers, two of her neighbors, including Ms. Hutson, and "unknown individuals to be named through discovery." The Second Amended Complaint raises claims nearly identical to the First Amended Complaint, though sequenced differently, they are:

- (1) Deprivation of Right to Freedom of Speech – Count I;

- (2) Deprivation of Equal Protection - Count II;
- (3) Deprivation of Due Process- Count III;
- (4) Deprivation of Right to Freedom from Seizure – Count IV;
- (5) False Light Invasion of Privacy- Count V;
- (6) Defamation - Count VI;
- (7) Intentional Infliction of Emotional Distress- Count VII
- (8) False Arrest and Imprisonment- Count VIII;
- (9) Malicious Prosecution-Count IX;
- (10) *Respondent Superior*- Count X; and
- (11) Indemnification- Count XI.

For the reasons stated the in the accompanying Memorandum of Law, Defendant Hutson requests that the Court dismiss all the claims alleged against her with prejudice and, in the event the Court dismisses Defendant Hutson from the federal claims in Counts I, II, III and IV, that the Court decline to exercise supplemental jurisdiction over any remaining state claims.

Respectfully submitted,
DEANO & SCARRY, LLC

s:/ James DeAno
One of the Attorneys for
Defendant Hutson

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